

(2) Between 37°11' N. lat. and 34°27' N. lat. (South Central Regions - Monterey and Morro Bay), recreational fishing for California scorpionfish is open from May 1 through November 30 (i.e., it's closed from January 1 through April 30 and from December 1 through December 31).

(3) South of 34°27' N. lat. (South Region), recreational fishing for California scorpionfish is open from January 1 through December 31.

(B) *Bag limits, hook limits.* South of 40°10.00' N. lat., in times and areas where the recreational season for California scorpionfish is open, the bag limit is 5 California scorpionfish per day. California scorpionfish do not count against the 10 RCG Complex fish per day limit. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(C) *Size limits.* California scorpionfish may be no smaller than 10 in (25 cm) total length.

(D) *Dressing/Fileting.* California scorpionfish filets may be no smaller than 5 in (12.8 cm) and must bear an intact 1 in (2.6 cm) square patch of skin.

[69 FR 77038, Dec. 23, 2004; 70 FR 13119, Mar. 18, 2005, as amended at 70 FR 16149, Mar. 30, 2005; 70 FR 20314, Apr. 19, 2005; 70 FR 23046, May 4, 2005; 70 FR 58071, Oct. 5, 2005; 70 FR 72389, Dec. 5, 2005; 71 FR 8497, Feb. 17, 2006; 71 FR 18229, Apr. 11, 2006; 71 FR 37844, July 3, 2006; 71 FR 58293, Oct. 3, 2006; 71 FR 69077, Nov. 29, 2006; 71 FR 78660, Dec. 29, 2006; 72 FR 19398, Apr. 18, 2007]

§ 660.385 Washington coastal tribal fisheries management measures.

In 1994, the United States formally recognized that the four Washington coastal treaty Indian tribes (Makah, Quileute, Hoh, and Quinault) have treaty rights to fish for groundfish in the Pacific Ocean, and concluded that, in general terms, the quantification of those rights is 50 percent of the harvestable surplus of groundfish that pass through the tribes usual and accustomed fishing areas (described at § 660.324). Measures implemented to minimize adverse impacts to groundfish EFH, as described in § 660.306, do not apply to tribal fisheries in their usual and accustomed fishing areas (described in § 660.324). Treaty fisheries op-

erating within tribal allocations are prohibited from operating outside usual and accustomed fishing areas. Tribal fishery allocations for sablefish and whiting, are provided in paragraphs (a) and (e) of this section, respectively, and the tribal harvest guideline for black rockfish is provided in paragraph (b)(1) of this section. Trip limits for certain species were recommended by the tribes and the Council and are specified here with the tribal allocations.

(a) *Sablefish.* The tribal allocation is 561.4 mt per year. This allocation is, for each year, 10 percent of the Monterey through Vancouver area OY, less 1.9 percent estimated discard mortality.

(b) *Rockfish.* The tribes will require full retention of all overfished rockfish species and all other marketable rockfish species during treaty fisheries.

(1) For the commercial harvest of black rockfish off Washington State, a harvest guideline of: 20,000 lb (9,072 kg) north of Cape Alava, WA (48°09.50' N. lat.) and 10,000 lb (4,536 kg) between Destruction Island, WA (47°40' N. lat.) and Leadbetter Point, WA (46°38.17' N. lat.). There are no tribal harvest restrictions for the area between Cape Alava and Destruction Island.

(2) *Thornyheads.* The tribes will manage their fisheries to the limited entry trip limits in place at the beginning on the year for both shortspine and longspine thornyheads as follows:

(i) *Trawl gear.* (A) Shortspine thornyhead cumulative trip limits are as follows:

(1) Small and large footrope trawl gear- 7,500-lb (3,402-kg) per 2 months.

(2) Selective flatfish trawl gear- 3,000-lb (1,361-kg) per 2 months.

(3) Multiple bottom trawl gear- 3,000-lb (1,361-kg) per 2 months.

(B) Longspine thornyhead cumulative trip limits are as follows:

(1) Small and large footrope trawl gear- 22,000-lb (9,979-kg) per 2 months.

(2) Selective flatfish trawl gear- 3,000-lb (1,361-kg) per 2 months.

(3) Multiple bottom trawl gear- 3,000-lb (1,361-kg) per 2 months.

(ii) *Fixed gear.* (A) Shortspine thornyhead cumulative trip limits are 2,000-lb (907-kg) per 2 months.

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(B) Longspine thornyhead cumulative trip limits are 10,000-lb (4,536-kg) per 2 months.

(3) Canary rockfish are subject to a 300-lb (136-kg) trip limit.

(4) Yelloweye rockfish are subject to a 100-lb (45-kg) trip limit.

(5) The Makah Tribe will manage the midwater trawl fisheries as follows: yellowtail rockfish taken in the directed tribal mid-water trawl fisheries are subject to a cumulative limit of 180,000 lb (81,647 kg) per 2 month period for the entire fleet. Landings of widow rockfish must not exceed 10 percent of the weight of yellowtail rockfish landed in any two-month period. These limits may be adjusted by the tribe inseason to minimize the incidental catch of canary rockfish and widow rockfish, provided the average 2-month cumulative yellowtail rockfish limit does not exceed 180,000 lb (81,647 kg) for the fleet.

(6) Other rockfish, including minor nearshore, minor shelf, and minor slope rockfish groups are subject to a 300-lb (136-kg) trip limit per species or species group, or to the non-tribal limited entry trip limit for those species if those limits are less restrictive than 300 lb (136 kg) per trip.

(c) *Lingcod*. Lingcod are subject to a 600 lb (272 kg) daily trip limit and a 1,800 lb (816 kg) weekly limit, unless taken in the treaty salmon troll fisheries. Lingcod taken in the treaty salmon troll fisheries are subject to a 1,000 lb (454 kg) daily trip limit and a 4,000 lb (1,814 kg) weekly limit.

(d) *Flatfish and other fish*. Treaty fishing vessels using bottom trawl gear are subject to the limits applicable to the non-tribal limited entry trawl fishery for Dover sole, English sole, rex sole, arrowtooth flounder, and other flatfish in place at the beginning of the season. For Dover sole and arrowtooth flounder, the limited entry trip limits in place at the beginning of the season will be combined across periods and the fleet to create a cumulative harvest target. The limits available to individual vessels will then be adjusted inseason to stay within the overall harvest target as well as estimated impacts to overfished species. For petrale sole, treaty fishing vessels are restricted to a 50,000 lb (22,680 kg) per 2

month limit for the entire year. Trawl vessels are restricted to using small footrope trawl gear.

(e) *Pacific whiting*. The tribal allocation is 32,500 mt.

(f) *Pacific cod*. There is a tribal harvest guideline of 400 mt of Pacific cod. The tribes will manage their fisheries to stay within this harvest guideline.

(g) *Spiny dogfish*. The tribes will manage their spiny dogfish fishery within the limited entry trip limits for the non-tribal fisheries.

[69 FR 77041, Dec. 23, 2004, as amended at 70 FR 22812, May 3, 2005; 71 FR 8498, Feb. 17, 2006; 71 FR 27415, May 11, 2006; 71 FR 37844, July 3, 2006; 71 FR 78663, Dec. 29, 2006; 72 FR 53167, Sept. 18, 2007]

§ 660.390 Groundfish conservation areas.

In § 660.302, a groundfish conservation area is defined in part as “a geographic area defined by coordinates expressed in degrees latitude and longitude, wherein fishing by a particular gear type or types may be prohibited.” While some groundfish conservation areas may be designed with the intent that their shape be determined by ocean bottom depth contours, their shapes are defined in regulation by latitude/longitude coordinates and are enforced by those coordinates. Latitude/longitude coordinates designating the large-scale boundaries for rockfish conservation areas are found in §§ 660.391 through 660.394. Fishing activity that is prohibited or permitted within a particular groundfish conservation area is detailed at §§ 660.381 through 660.384.

(a) *North Coast Recreational Yelloweye Rockfish Conservation Area*. The North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA) is a C-shaped area off the northern Washington coast intended to protect yelloweye rockfish. The North Coast Recreational YRCA is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

- (1) 48°18.00' N. lat.; 125°18.00' W. long.;
- (2) 48°18.00' N. lat.; 124°59.00' W. long.;
- (3) 48°11.00' N. lat.; 124°59.00' W. long.;
- (4) 48°11.00' N. lat.; 125°11.00' W. long.;
- (5) 48°04.00' N. lat.; 125°11.00' W. long.;
- (6) 48°04.00' N. lat.; 124°59.00' W. long.;